

THURSDAY, APRIL 18, 1991

THIRTY-SEVENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Richard Carruth, Bells United Methodist Church, Bells, Tennessee.

Representative Holt led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 95

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Bragg; to attend the Executive Committee meeting of the Southern Legislative Conference in Lexington, Kentucky.

Representative Niceley; due to illness.

Representative Rigsby; due to business in district.

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**REPORT OF COMMITTEE ON CALENDAR AND RULES  
April 18, 1991**

**MR. SPEAKER:** Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Wednesday, April 24, 1991:** House Bill(s) No(s). 312, 1294, 1173, 1388, 566, 963, 823 and 699; House Joint Resolution(s) No(s). 146; House Bill(s) No(s). 581; House Joint Resolution(s) No(s). 236 and 237; also, House Bill(s) No(s). 1307.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 22, 1991:** House Bill(s) No(s). 902; House Joint Resolution(s) No(s). 185 and 103; also, Senate Joint Resolution(s) No(s). 154.

PHILLIPS, Chair.

**CONSENT CALENDAR**

**House Resolution No. 0055 --** Memorials, Sports -- Bolivar Central High School girls' basketball team.

**House Resolution No. 0056 --** Memorials, Death -- John W. (Jack) Robinson.

**House Resolution No. 0057 --** Memorials, Congratulations -- Whitney Houston.

**House Joint Resolution No. 0265 --** Memorials, Interns -- Cynthia Anita Wells.

**House Joint Resolution No. 0266 --** Memorials, Sports -- Eugene Parris "Mr. Basketball".

**House Joint Resolution No. 0267 --** Memorials, Congratulations -- First Presbyterian Church of Huntsville.

**House Joint Resolution No. 0268 --** Memorials, Death -- Dr. George Kline.

**House Joint Resolution No. 0271 --** Memorials, Sports -- Scott County Training League girls' basketball team.

**House Joint Resolution No. 0272 --** Memorials, Personal Achievement -- Richard Ormesher.

**House Bill No. 1575 --** Obion County -- Enacts hotel/motel tax.

**Senate Joint Resolution No. 0178 --** Memorials, Retirement -- Dr. John Crothers.

**Senate Joint Resolution No. 0181 --** Memorials, Public Service -- Burton Callicott.

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**Senate Joint Resolution No. 0183** -- Memorials, Sports -- Denmark West High School boys' basketball team.

**Senate Joint Resolution No. 0184** -- Memorials, Sports -- Gibson County High School girls' basketball team.

**Senate Joint Resolution No. 0185** -- Memorials, Sports -- Bradford High School girls' basketball team.

**Senate Joint Resolution No. 0193** -- Memorials, Interns -- Patrick Lynn Perry.

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 1575**; by Rep. Pinion.

Under the rules, House Bill(s) No(s). 1575 was/were placed at the foot of the calendar for Monday, April 22, 1991.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

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**PRESENT IN CHAMBER**

Representative(s) Brenda Turner was/were recorded as being present in the Chamber.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on Consent Calendar and have this statement entered in the Journal.

Rep. Brenda Turner

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on Consent Calendar and have this statement entered in the Journal.

Rep. Robb Robinson

**REGULAR CALENDAR**

**House Bill No. 0523 -- Election Laws --** Provides mechanism for advisory referendum in Shelby County on whether candidates for county and municipal elections be required to declare party affiliation. Amends TCA, Title 2, Ch. 13.

Further consideration of **House Bill No. 523**, previously considered on March 28, 1991, at which time it was reset to the Calendar for April 18, 1991.

Rep. U. Jones moved that **House Bill No. 523** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Bill No. 1214 -- Taxes, Real Property --** Clarifies redemption rights of persons with interest in property sold for nonpayment of taxes. Amends TCA, Title 66, Ch. 8; Title 67, Ch. 5.

Further consideration of **House Bill No. 1214**, previously considered on April 11, 1991, at which time it was reset to the Calendar for April 18, 1991.

Rep. Williams (Shelby) moved that **House Bill No. 1214** be reset to the Calendar for Monday, April 22, 1991, which motion prevailed.

**House Bill No. 0546 -- Highway Signs --** Increases percentage of contracts which must go to disadvantaged businesses under specific service sign law. Amends TCA, Title 12; Title 54, Ch. 5.

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Further consideration of House Bill No. 546, previously considered on April 15, 1991, at which time it was reset to the Calendar for April 18, 1991.

Rep. Buck moved that House Bill No. 546 be passed on third and final consideration.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

Rep. Buck moved to amend as follows:

**Amendment No. 2**

Amend House Bill No. 546 by deleting Section 1. and Section 2. of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-5-1101 is amended by adding a new subsection (c) which shall read as follows:

(c) As portions of I-840 are opened, these portions shall be included in the specific service sign program provided for in this part; provided however, eligibility of interchanges and businesses for participation in this program shall be determined in accordance with regulations which the commissioner of transportation has promulgated pursuant to this part.

SECTION 2. Tennessee Code Annotated, Section 54-5-1103 subsection (a) is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) Except as provided in this section, the department shall enter into contracts for the administration of specific service signs. The department may however carry out the administration of specific service signs to provide continuity of the program in the case of default of an administrative contractor, or in the interim period between administrative contracts, and to fulfill statutory or regulatory changes made to the program during an existing administrative contract where the administrative contractor is unwilling to provide for statutory or regulatory additions to the program under the terms of the existing contract and such other terms as the department deems appropriate.

Contracts for administrative services shall be subject to the provisions of Sections 12-4-109 - 12-4-111. Contracts for administrative services shall include the marketing, management, and maintenance of specific service signs. Any administrative services contract awarded must include provisions requiring an

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appropriate corporate surety performance bond,  
security or cash.

**SECTION 3.** This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Buck moved that **House Bill No. 546**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Chiles, Copeland, McAfee, Tullos -- 4.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

**MR. SPEAKER:** Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 546 and have this statement entered in the Journal.

Rep. Brenda Turner

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1166 -- Purchasing --** Authorizes cities to increase threshold requirement for competitive bidding. Amends TCA 6-56-306.

Further consideration of House Bill No. 1166, previously considered on April 15, 1991, at which time it was reset to the Calendar for April 18, 1991.

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On motion, House Bill No. 1166 was made to conform with Senate Bill No. 616.

On motion, **Senate Bill No. 616**, on same subject, was substituted for House Bill No. 1166.

Rep. Anderson moved that **Senate Bill No. 616** be passed on third and final consideration.

Rep. Buck moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Buck moved to amend as follows:

**Amendment No. 2**

Amend Senate Bill No. 616 by deleting in the amendatory language of Section 1 the words, figures and symbols "five thousand dollars (\$5,000)" and substituting instead the words, figures and symbols "four thousand dollars (\$4,000)".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Anderson moved that **Senate Bill No. 616**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chunney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 0839** -- Contractors -- Revises criminal penalties for contracting without license. Amends TCA 62-6-119, 120.

On motion, House Bill No. 839 was made to conform with Senate Bill No. 1011.

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On motion, **Senate Bill No. 1011**, on same subject, was substituted for House Bill No. 839.

Rep. Head moved that **Senate Bill No. 1011** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Givens -- 1.

A motion to reconsider was tabled.

**House Bill No. 0836** -- Contractors -- Authorizes board for licensing contractors to issue citations to persons contracting without license. Similar to \*SB 1011. Amends TCA, Title 62, Ch. 6.

On motion, House Bill No. 836 was made to conform with Senate Bill No. 899.

On motion, **Senate Bill No. 899**, on same subject, was substituted for House Bill No. 836.

Rep. Head moved that **Senate Bill No. 899** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

**Amendment No. 2**

Amend Senate Bill No. 899 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:



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Section \_\_\_\_\_. Tennessee Code Annotated, Section 62-6-118, is amended by adding the following new subsection (e) and by relettering subsequent subsections accordingly:

(e) Notwithstanding the provisions of Tennessee Code Annotated, Title 4, Chapter 5, relative to the amount of civil penalties that may be imposed, the board may impose a civil penalty not to exceed five thousand dollars (\$5,000) against any person who violates the terms and conditions of an existing license to engage in contracting or against any person who engages in unlicensed contracting.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Head moved that **Senate Bill No. 899**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 0509** -- Auctions and Auctioneers -- Adds certain grounds for which license may be denied, suspended or revoked. Amends TCA, Title 55, Ch. 17, Pt. 1, 62-19-112.

On motion, House Bill No. 509 was made to conform with Senate Bill No. 421.

On motion, **Senate Bill No. 421**, on same subject, was substituted for House Bill No. 509.

Rep. Head moved that **Senate Bill No. 421** be passed on third and final consideration.

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On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Rhinehart moved to amend as follows:

**Amendment No. 2**

Amend Senate Bill No. 421 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 55-17-120, is amended by adding the following language as a new, appropriately designated subsection:

( )

(1) Notwithstanding any provision of this chapter to the contrary, whenever farm equipment and machinery, as defined by Tennessee Code Annotated, Section 67-6-102(8), is being sold at auction conducted on farm property in accordance with the requirements set forth within subdivision (2), no license as a motor vehicle dealer shall be required for any person or participant who purchases or bids at such auction on a motor vehicle.

(2) If the sale at auction, on property owned or possessed by the farmer, of five (5) or fewer motor vehicles is incidental to the sale at auction of farm equipment and machinery owned and used by the farmer; and if each such motor vehicle is owned for at least one (1) year by the farmer, his parents, or his children; and if each such motor vehicle is at least two (2) model years old; and if such farmer has not sold motor vehicles at such an auction within the previous twelve (12) month period; then the auction shall not be an automobile auction within the provisions of this chapter and the person conducting such auction need only be licensed as an auctioneer by the auctioneer commission; provided, however, such auctioneer must give at least fourteen (14) days' advance written notification to the motor vehicle commission describing the time and place of the auction as well as the items to be sold therein.

Section \_\_\_\_\_. Tennessee Code Annotated, Section 55-17-109, is amended by adding the following language as a new, appropriately designated subsection:

( ) The motor vehicle commission shall neither create nor issue any category of license other than those categories specifically required by this chapter. It shall be unlawful for any person to commercially engage in any activity involving the

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distribution and/or sale of motor vehicles without first qualifying for and obtaining a license or licenses specifically authorized by Tennessee Code Annotated, Title 55, Chapter 17, Part 1, unless the requirement for such licensure is specifically exempted by statute.

Section \_\_\_\_\_. Tennessee Code Annotated, Section 55-17-101, is amended by deleting the words "and sale" and by substituting instead the words and symbol "and/or sale".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Head moved that **Senate Bill No. 421**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 1008** -- Administrative Procedure -- Establishes hearing and notice requirements for administrative meetings. Amends TCA, Title 4, Ch. 5.

Rep. Garrett moved that House Bill No. 1008 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1008 by deleting Section 1 and by substituting instead the following:

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Section 1. Tennessee Code Annotated, Section 4-5-203(a), is amended by deleting from subsection (2)(b) the language "thirty (30)" and by substituting instead the language "forty-five (45)".

AND FURTHER AMEND by deleting Section 2 and by substituting instead the following:

Section 2. Tennessee Code Annotated, Section 4-5-203, is amended by deleting subsection (c)(2) and by substituting instead the following:

(2) The express terms of the rule being proposed; provided, however, that an informative summary reasonably calculated to give notice to interested parties may be substituted for the express terms of the proposed rule if:

(A) The express terms of the rule being proposed are filed with the secretary of state;

(B) The secretary of state determines that publication of the entire text of the proposed rule would be impractical; and

(C) The complete text of the express terms of the proposed rule is made available by the secretary of state or the agency for public inspection and copying.

Nothing in this section shall be construed to preclude an agency from making changes in the rule being proposed after the public hearing, so long as the changes are within the scope of the rulemaking notice filed with the secretary of state.

AND FURTHER AMEND by deleting Section 6 and by substituting instead the following:

Section 6. This act shall take effect August 1, 1991, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Garrett moved to amend as follows:

#### Amendment No. 2

Amend House Bill No. 1008 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply to the public service commission.

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On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Garrett moved that **House Bill No. 1008**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 0469** -- Child Abuse -- Elevates killing of certain children to first degree murder under certain circumstances. Amends TCA, Title 39, Ch. 13, Pt. 2.

Rep. Holcomb moved that House Bill No. 469 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 469 by deleting subdivision (4) of the amendatory language of Section 2 and by substituting instead the following:

(4) A killing of a child less than thirteen (13) years of age, if the child's death results from a protracted pattern or multiple incidents of bodily injury committed by the defendant against such child and the death is caused either by the last injury or the cumulative effect of such injuries.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

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Amendment No. 2

Amend House Bill No. 469 by deleting the effective date section and inserting the following new sections:

Section \_\_\_\_\_. The provisions of this act shall be null and void unless the General Appropriations Act provides an appropriation for the estimated operating cost of this act pursuant to Tennessee Code Annotated, Section 9-6-119. The Tennessee Code Commission is directed not to codify this section of this bill.

Section \_\_\_\_\_. This act shall take effect on July 1, 1991, the public welfare requiring it.

Rep. Holcomb moved that House Bill No. 469, as amended, be reset one week to the Calendar for Thursday, April 25, 1991, which motion prevailed.

**House Bill No. 1305** -- Development Districts -- Prohibits votes by proxy for members. Amends TCA 13-14-107.

On motion, House Bill No. 1305 was made to conform with Senate Bill No. 1401.

On motion, **Senate Bill No. 1401**, on same subject, was substituted for House Bill No. 1305.

Rep. Holcomb moved that **Senate Bill No. 1401** be passed on third and final consideration.

On motion, Rep. R. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Holcomb moved that **Senate Bill No. 1401** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas, Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby),

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Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Haley, Liles, Phillips -- 3.

A motion to reconsider was tabled.

**House Bill No. 0885** -- Criminal Offenses -- Increases penalty for violation of Personal Rights Protection Act; makes property used in violation contraband. Amends TCA, Title 47, Ch. 25, Pt. 11.

Rep. Ridgeway moved that House Bill No. 885 be passed on third and final consideration.

Rep. Byrd moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 885 by deleting SECTION 1 in its entirety and by renumbering subsequent sections accordingly.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Ridgeway moved that **House Bill No. 885**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 0781** -- Banks and Financial Institutions -- Expands scope of Reciprocal Banking Act by authorizing trust department acquisitions in certain circumstances. Amends TCA 45-12-103.

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On motion, House Bill No. 781 was made to conform with Senate Bill No. 443.

On motion, **Senate Bill No. 443**, on same subject, was substituted for House Bill No. 781.

Rep. Jackson moved that **Senate Bill No. 443** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winingham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0176** -- Memorials, Congress -- Urges passage of federal Earthquake Insurance and Reinsurance Corporation Act.

Rep. Herron moved that House Joint Resolution No. 176 be adopted, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle,



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Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Gunnels -- 1.

A motion to reconsider was tabled.

**House Bill No. 0956** -- Wills -- Designates "Tennessee Living Will Act" and "Tennessee Health Care Directives Act". Amends TCA, Title 32, Ch. 11; Title 34, Ch. 6.

Rep. Holcomb moved that House Bill No. 956 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1, as follows:

**Amendment No. 1**

Amend House Bill No. 956 by deleting Sections 1 through 3 in their entireties and substituting instead:

SECTION 1. Tennessee Code Annotated, Section 32-11-103, is amended by deleting subdivision (5) in its entirety and by substituting therefor the following:

(5) "Medical care" includes any procedure or treatment rendered by a physician or health care provider designed to diagnose, assess, or treat a disease, illness or injury. These include, but are not limited to, surgery, drugs, transfusions, mechanical ventilation, dialysis, cardiopulmonary resuscitation, artificial or forced feeding of nourishment, hydration or other basic nutrients, regardless of the method used, radiation therapy, or any other medical act designed for diagnosis, assessment, or treatment or to sustain, restore, or supplant vital body function;

SECTION 2. Tennessee Code Annotated, Section 32-11-103, is amended by deleting subdivision (8) thereof.

SECTION 3. Tennessee Code Annotated, Section 32-11-103, is amended by deleting subdivision (9) in its entirety and substituting therefor the following:

(8) "Terminal condition" means any disease, illness, injury, or condition, including but not limited to a coma or persistent vegetative state, sustained by any human being, from which there is no reasonable medical expectation of recovery and which, as a medical probability, will result in the death of such human being, regardless of the use or discontinuance of medical care implemented for the purpose of sustaining life, or the life processes.

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SECTION 4. Tennessee Code Annotated, Section 32-11-104, is amended by deleting subsection (a) in its entirety and substituting therefor the following:

(a) Any competent adult person may execute a declaration directing the withholding or withdrawal of medical care to his person, to become effective on loss of competency, which declaration shall be acknowledged and signed by the declarant in the presence of two (2) witnesses, at least one of whom shall verify in such declaration that he is not related to the declarant by blood, marriage or adoption, and that he, to the best of his knowledge, would not be entitled to any portion of the estate of the declarant upon his demise under any will or codicil thereto made by the declarant, or by operation of law. In addition, the witnesses shall verify that neither of them is the attending physician nor an employee of the attending physician nor an employee of a health facility in which the declarant is a patient. The declaration shall be substantially in the form established in Section 32-11-105.

SECTION 5. Tennessee Code Annotated, Section 32-11-105, is amended by deleting the living will form in its entirety and substituting in its place the following:

LIVING WILL

I, \_\_\_\_\_, willfully and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below, and do hereby declare:

If at any time I should have a terminal condition and my attending physician has determined that there can be no recovery from such condition, and the application of medical care would serve only to artificially prolong the dying process, I direct that medical care be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medications or the performance of any medical procedure deemed necessary to provide me with comfortable care or to alleviate pain.

In the absence of my ability to give directions regarding my medical care, it is my intention that this declaration shall be honored by my family and physician as the final expression of my legal right to refuse medical care and accept the consequences of such refusal.

The definitions of terms used herein shall be as set forth in the Tennessee Right to Natural Death Act, Tennessee Code Annotated, Section 32-11-103. I understand

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the full import of this declaration, and I am emotionally and mentally competent to make this declaration. In acknowledgment whereof, I do hereinafter affix my signature on this the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Declarant

I, \_\_\_\_\_, and I, \_\_\_\_\_, the subscribing witnesses hereto, are personally acquainted with and subscribe our names hereto at the request of the declarant, an adult, whom we believe to be of sound mind, fully aware of the action taken herein and its possible consequence. Each witness further declares that he or she is not the attending physician, or an employee of the attending physician, or a health facility in which the declarant is a patient.

I, \_\_\_\_\_, one of the undersigned witnesses, further declare that I am not related to the declarant by blood, marriage or adoption; that, to the best of my knowledge, I am not entitled to any portion of the estate of the declarant upon his decease under any will or codicil thereto presently existing, or by operation of law.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

Subscribed, sworn to and acknowledged before me by \_\_\_\_\_, the declarant, and subscribed and sworn to before me by \_\_\_\_\_ and \_\_\_\_\_, witnesses, this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Notary Public

SECTION 6. Tennessee Code Annotated, Section 32-11-110, is amended by deleting the words "life sustaining procedures" each time they appear in subsection (h) thereof and replacing each deleted occurrence of such words with the words "medical care".

SECTION 7. Tennessee Code Annotated, Title 32, Chapter 11, Part 1, is amended by adding the following new sections:

32-11-111. Declaration executed outside of state. -- A living will that is executed outside of this state by a nonresident of this state at the time of execution shall be given effect in this state if that living will is in compliance with either the provisions of this chapter or the laws of the state of

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the declarant's residence.

32-11-112. Applicability of chapter. -- A living will executed before July 1, 1991, shall be effective if it was executed in compliance with the provisions of this chapter as in effect on the date such living will was executed, notwithstanding that such living will does not comply with revisions to this chapter since such date.

SECTION 8. Tennessee Code Annotated, Section 34-6-202, is amended by:

(A) Deleting, in subsection (a) thereof, the words and punctuation "April 9, 1990" and substituting in their place "July 1, 1991";

(B) In subsection (b) thereof, adding the words "all of" immediately before the words "the requirements"; deleting the words and punctuation "of §34-6-203; but, to the extent that the durable power of attorney authorizes the attorney in fact to make health care decisions for the principal, the durable power of attorney is subject to all the provisions", and redesignating subsection (b) as (c);

(C) Redesignating subsection (c) thereof as (d); and

(D) Adding a new subsection (b) thereto, to read as follows:

(b) A durable power of attorney for health care executed after April 8, 1990, and before July 1, 1991, is effective to authorize the attorney in fact to make health care decisions for the principal if the power of attorney was executed in compliance with this part as in effect on such date.

SECTION 9. Tennessee Code Annotated, Section 34-6-203, is amended by deleting subsection (a)(3) thereof in its entirety and substituting in its place the following:

(3) The durable power of attorney for health care is executed by the following method: the durable power of attorney for health care is signed and acknowledged before a notary public by the principal and at least two (2) witnesses who witnessed the signing of the instrument by the principal, with each witness making the following declaration in substance: "I declare under penalty of perjury under the laws of Tennessee that the person who signed this document is personally known to me to be the principal, that the principal signed this durable

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power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as attorney in fact by this document, and that I am not a health care provider, an employee of a health care provider, the operator of a health care institution nor an employee of an operator of a health care institution. At least one (1) of the witnesses must also have signed and acknowledged before a notary public the following declaration: "I further declare under penalty of perjury under the laws of Tennessee that I am not related to the principal by blood, marriage, or adoption, and, to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will or codicil thereto now existing, or by operation of law."

SECTION 10. Tennessee Code Annotated, Section 34-6-204, is amended by deleting subsection (d) thereof in its entirety and substituting in its place the following:

(d) Subject to any limitations in the durable power of attorney for health care, the attorney in fact designated in such durable power of attorney may make health care decisions as provided in this subsection for the principal who has a terminal condition as defined in § 32-11-103(8). The decision to withhold or withdraw health care may be made by the attorney in fact permitting the principal to die naturally with only the administration of palliative care as defined in § 32-11-103(6).

SECTION 11. Tennessee Code Annotated, Title 34, Chapter 6, Part 2, is amended by adding the following new section:

34-6-215. Durable power of attorney for health care executed outside of state. -- A durable power of attorney for health care that is executed outside of this state by a nonresident of this state at the time of execution shall be given effect in this state if that durable power of attorney for health care is in compliance with either the provisions of this chapter or the laws of the state of the principal's residence.

SECTION 12. This act shall take effect on July 1, 1991, the public welfare requiring it.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Holcomb moved to amend as follows:

Amendment No. 2

Amend House Bill No. 956 by deleting all language following the enacting clause and by substituting instead:

SECTION 1. Tennessee Code Annotated, Section 32-11-103, is amended by deleting subdivision (5) in its entirety and by substituting therefor the following:

(5) "Medical care" includes any procedure or treatment rendered by a physician or health care provider designed to diagnose, assess, or treat a disease, illness or injury. These include, but are not limited to surgery; drugs; transfusions; mechanical ventilation; dialysis; cardiopulmonary resuscitation; artificial or forced feeding of nourishment, hydration or other basic nutrients, regardless of the method used; radiation therapy; or any other medical act designed for diagnosis, assessment, or treatment or to sustain, restore, or supplant vital body function. This part shall not be interpreted to allow the withholding or withdrawal of simple nourishment or fluids so as to condone death by starvation or dehydration unless the provisions of the instrument which creates a living will include the following or substantially the following: "I authorize the withholding or withdrawal of artificially provided food, water or other nourishment or fluids.";

SECTION 2. Tennessee Code Annotated, Section 32-11-103, is amended by deleting subdivision (8) thereof.

SECTION 3. Tennessee Code Annotated, Section 32-11-103, is amended by deleting subdivision (9) in its entirety and substituting therefor the following:

(8) "Terminal condition" means any disease, illness, injury, or condition, including but not limited to a coma or persistent vegetative state, sustained by any human being, from which there is no reasonable medical expectation of recovery and which, as a medical probability, will result in the death of such human being, regardless of the use or discontinuance of medical treatment implemented for the purpose of sustaining life, or the life processes.

SECTION 4. Tennessee Code Annotated, Section 32-11-103 is amended by adding the following as new, appropriately designated items:

( ) "Organ donation" means a procedure to recover vascular organs following a declaration of death pursuant to Tennessee Code Annotated, Section 68-3-501(b)(2), but prior to removal from artificial support systems;

( ) "Tissue donation" means a procedure to recover tissue following a declaration of death pursuant to Tennessee Code Annotated, Section 68-3-501(b)(1), and following removal from artificial support systems.

SECTION 5. Tennessee Code Annotated, Section 32-11-102(a), is amended by adding the following language at the end of the subsection:

The general assembly further declares that it is in the public interest to facilitate recovery of organs and/or tissues for transplantation and to provide mechanisms for individuals to express their desire to donate their organs and/or tissues.

SECTION 6. Tennessee Code Annotated, Section 32-11-105, is amended by deleting the living will form in its entirety and substituting in its place the following:

LIVING WILL

I, \_\_\_\_\_, willfully and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below, and do hereby declare:

If at any time I should have a terminal condition and my attending physician has determined that there can be no recovery from such condition, and the application of medical care would serve only to artificially prolong the dying process, I direct that medical care be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medications or the performance of any medical procedure deemed necessary to provide me with comfortable care or to alleviate pain.

ARTIFICIALLY PROVIDED NOURISHMENT AND FLUIDS: By checking the appropriate line below I specifically:

\_\_\_ authorize the withholding or withdrawal of artificially provided food, water, or other nourishment or fluids.

\_\_\_ DO NOT authorize the withholding or withdrawal of artificially provided food, water, or other nourishment or fluids.

ORGAN DONOR CERTIFICATION: Notwithstanding my previous declaration relative to the withholding or withdrawal of life-prolonging procedures, if as indicated below I have expressed my desire to donate my organs and/or tissues for transplantation, or any of them as specifically

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designated herein, I do direct my attending physician, if I have been determined dead according to Tennessee Code Annotated, Section 68-3-501(b), to maintain me on artificial support systems only for the period of time required to maintain the viability of and to remove such organs and/or tissues. By checking the appropriate line below I specifically:

\_\_\_ desire to donate my organs and/or tissues for transplantation.

\_\_\_ desire \_\_\_\_\_ to \_\_\_\_\_ donate my \_\_\_\_\_.

(insert specific organs and/or tissues for transplantation.)

\_\_\_ DO NOT desire to donate my organs or tissues for transplantation.

In the absence of my ability to give directions regarding my medical care, it is my intention that this declaration shall be honored by my family and physician as the final expression of my legal right to refuse medical care and accept the consequences of such refusal.

The definitions of terms used herein shall be as set forth in the Tennessee Right to Natural Death Act, Tennessee Code Annotated, Section 32-11-103. I understand the full import of this declaration, and I am emotionally and mentally competent to make this declaration. In acknowledgment whereof, I do hereinafter affix my signature on this the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Declarant

We, the subscribing witnesses hereto, are personally acquainted with and subscribe our names hereto at the request of the declarant, an adult, whom we believe to be of sound mind, fully aware of the action taken herein and its possible consequence.

We, the undersigned witnesses, further declare that we are not related to the declarant by blood or marriage; that we are not entitled to any portion of the estate of the declarant upon his decease under any will or codicil thereto presently existing or by operation of law then existing; that we are not the attending physician, an employee of the attending physician or a health facility in which the declarant is a patient; and that we are not persons who, at the



present time, have a claim against any portion of the estate of the declarant upon his death.

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Witness

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Witness

Subscribed, sworn to and acknowledged before me by \_\_\_\_\_, the declarant, and \_\_\_\_\_ subscribed and sworn to before me by \_\_\_\_\_ and \_\_\_\_\_, witnesses, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

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Notary Public

SECTION 7. Tennessee Code Annotated, Section 32-11-110, is amended by deleting the words "life sustaining procedures" each time they appear in subsection (h) thereof and replacing each deleted occurrence of such words with the words "medical care".

SECTION 8. Tennessee Code Annotated, Title 32, Chapter 11, Part 1, is amended by adding the following language as appropriately designated, new sections:

SECTION \_\_\_\_\_. A living will that is executed outside of this state by a nonresident of this state at the time of execution shall be given effect in this state if that living will is in compliance with either the provisions of this chapter or the laws of the state of the declarant's residence.

SECTION \_\_\_\_\_. A living will executed before July 1, 1991, shall be effective if it was executed in compliance with the provisions of this chapter as in effect on the date such living will was executed, notwithstanding that such living will does not comply with revisions to this chapter since such date.

SECTION 9. Tennessee Code Annotated, Section 34-6-202, is amended by:

(A) Deleting, in subsection (a) thereof, the words and punctuation "April 9, 1990" and substituting in their place "July 1, 1991";

(B) In subsection (b) thereof, adding the words "all of" immediately before the words "the requirements"; deleting the words and punctuation "of §34-6-203; but, to the extent that the durable power of attorney authorizes the attorney in fact to make

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health care decisions for the principal, the durable power of attorney is subject to all the provisions", and redesignating subsection (b) as (c);

(C) Redesignating subsection (c) thereof as (d); and

(D) Adding a new subsection (b) thereto, to read as follows:

(b) A durable power of attorney for health care executed after April 8, 1990, and before July 1, 1991, is effective to authorize the attorney in fact to make health care decisions for the principal if the power of attorney was executed in compliance with this part as in effect on such date.

SECTION 10. Tennessee Code Annotated, Section 34-6-203, is amended by deleting subsection (a)(3) thereof in its entirety and substituting in its place the following:

(3) The durable power of attorney for health care is executed by the following method: the durable power of attorney for health care is signed and acknowledged before a notary public by the principal and at least two (2) witnesses who witnessed the signing of the instrument by the principal, with each witness making the following declaration in substance: "I declare under penalty of perjury under the laws of Tennessee that the person who signed this document is personally known to me to be the principal; that the principal signed this durable power of attorney in my presence; that the principal appears to be of sound mind and under no duress, fraud or undue influence; that I am not the person appointed as attorney in fact by this document; that I am not a health care provider, an employee of a health care provider, the operator of a health care institution nor an employee of an operator of a health care institution; that I am not related to the principal by blood, marriage, or adoption; that, to the best of my knowledge, I do not, at the present time, have a claim against any portion of the estate of the principal upon his death; and, that, to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will or codicil thereto now existing, or by operation of law."

SECTION 11. Tennessee Code Annotated, Section 34-6-204, is amended by deleting subsection (d) thereof in its entirety and substituting in its place the following:

(d) Subject to any limitations in the

durable power of attorney for health care, the attorney in fact designated in such durable power of attorney may make health care decisions as provided in this subsection for the principal who has a terminal condition as defined in § 32-11-103(8). The decision to withhold or withdraw health care may be made by the attorney in fact permitting the principal to die naturally with only the administration of palliative care as defined in § 32-11-103(6).

SECTION 12. Tennessee Code Annotated, Title 34, Chapter 6, Part 2, is amended by adding the following language as an appropriately designated, new section:

SECTION \_\_\_\_\_. A durable power of attorney for health care that is executed outside of this state by a nonresident of this state at the time of execution shall be given effect in this state if that durable power of attorney for health care is in compliance with either the provisions of this chapter or the laws of the state of the principal's residence.

SECTION 13. Tennessee Code Annotated, Section 32-11-106(1), is amended by deleting the words, numbers, and punctuation "and at least one (1) witness, or notarized".

SECTION 14. This act shall take effect on July 1, 1991, the public welfare requiring it.

On motion, Amendment No. 2 was adopted, with Rep. Turner (Hamilton) requesting to be recorded as voting no.

Rep. Jackson moved to amend as follows:

**Amendment No. 3**

Amend House Bill No. 1182 by inserting the word "imminent" in subdivision (8) of Section 3, as amended, between the words "will result in the" and the word "death".

Rep. Holcomb moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	46
Noes. . . . .	42
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bivens, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Copeland, Davis (Knox), DeBerry, Dixon, Garrett, Givens, Halteman, Harrill, Hassell, Haun, Head, Hill, Hubbard, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, King, Knight, McDaniel, McKee, Pruitt,

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Purcell, Robinson (Davidson), Robinson (Washington), Severance, Sipes, Stamps, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union) -- 46.

Representatives voting no were: Armstrong, Bittle, Buck, Byrd, Crain, Curlee, Davidson, Ferguson, Fowlkes, Gunnels, Haley, Hargrove, Herron, Hillis, Holt, Jackson, Johnson, Kent, Kisber, Liles, McAfee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Shirley, Tindell, Tullos, Turner (Hamilton), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 42.

Representatives present and not voting were: Cross -- 1.

Rep. Jackson moved to amend as follows:

Amendment No. 4

Amend House Bill No. 956 by deleting Section 3 in its entirety, and by substituting instead the following language:

SECTION 3. Tennessee Code Annotated, Section 32-11-103, is amended by deleting subdivision (9) in its entirety and substituting therefor the following:

(8) "Terminal condition" means any disease, illness, injury, or condition, including but not limited to an irreversible coma or a persistent vegetative state, existing for one (1) year and confirmed by a neurologist or neurosurgeon, sustained by any human being from which there is no reasonable medical expectation of recovery and which, as a medical probability, will result in the death of such human being, regardless of the use or discontinuance of medical care implemented for the purpose of sustaining life, or the life processes.

Rep. Chiles moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	48
Noes. . . . .	39
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Callicott, Chiles, Clark, Coffey, Cole, Copeland, Davis (Knox), DeBerry, Dixon, Duer, Garrett, Givens, Haley, Halteman, Harrill, Haun, Head, Herron, Hill, Holcomb, Hubbard, Jones R (Shelby), Jones U (Shelby), Kernell, Knight, McDaniel, Nuber, Pruitt, Purcell, Robinson (Washington), Severance, Sipes, Stamps, Tullos, Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Winningham -- 48.

Representatives voting no were: Buck, Byrd, Chumney, Crain,

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Curlee, Davidson, Ferguson, Fowlkes, Gunnels, Hargrove, Hassell, Hillis, Holt, Jackson, Johnson, Joyce, Kent, Kisber, Liles, McKee, Meyer, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Shirley, Tindell, Turner (Hamilton), Whitson, Windle, Wix, Wood, Mr. Speaker Naifeh -- 39.

Representatives present and not voting were: Cross -- 1.

Rep. Wood moved to amend as follows:

Amendment No. 5

AMEND House Bill No. 956 by inserting the word "imminent" in subdivision (8) of Section 3, as amended, between the words "will result in the" and the word "death".

AND FURTHER AMEND by adding the following language as a new section immediately preceding the last section, and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 32-11-103, is amended by adding the following language as a new subdivision (9):

(9) "Imminent death" means as a medical probability death is likely to occur at any moment as a result of the disease, illness, injury or condition.

Rep. Holcomb moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	53
Noes. . . . .	34
Present and not voting. . . . .	3

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Davis (Knox), DeBerry, Dixon, Duer, Garrett, Givens, Haley, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Holcomb, Hubbard, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Knight, Liles, McDaniel, Napier, Nuber, Pruitt, Purcell, Robinson (Washington), Severance, Sipes, Stamps, Tullos, Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Union), Wix -- 53.

Representatives voting no were: Armstrong, Buck, Byrd, Crain, Curlee, Davidson, Ferguson, Fowlkes, Gunnels, Hargrove, Hillis, Holt, Jackson, Johnson, Kent, Kisber, McAfee, Meyer, Moore, Odom, Peroulas Draper, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Shirley, Tindell, Turner (Hamilton), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 34.

Representatives present and not voting were: Cross, McKee, Whitson -- 3.

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Thereupon, Rep. Holcomb moved that **House Bill No. 956**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	57
Noes. . . . .	35
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Arriola, Bivens, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Fowlkes, Garrett, Givens, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Herron, Hill, Holcomb, Hubbard, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, Knight, Liles, Love, McDaniel, McKee, Napier, Nuber, Odom, Pruitt, Purcell, Robinson (Davidson), Robinson (Washington), Severance, Sipes, Stamps, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union) -- 57.

Representatives voting no were: Armstrong, Bell, Bittle, Buck, Byrd, Crain, Curlee, Davidson, Ferguson, Haley, Hargrove, Hillis, Holt, Jackson, Johnson, Kent, Kisber, McAfee, Meyer, Moore, Peroulas Draper, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Shirley, Tindell, Turner (Hamilton), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 35.

Representatives present and not voting were: Cross -- 1.

A motion to reconsider was tabled.

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*Senate Bill No. 0239** -- Election Laws -- Enacts "Tennessee Ballot Integrity Act of 1990". Amends TCA, Title 2.

Rep. Ridgeway moved that the House refuse to recede from its action in adopting Amendment No. 2 to Senate Bill No. 239, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGES**

**CONFERENCE COMMITTEE APPOINTED  
ON SENATE BILL NO. 278**

Pursuant to **Rule No. 73**, Representative Cross moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 278, which motion prevailed.

**\*Senate Bill No. 0278** -- Sewage -- Revises dates for certain

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types of subsurface sewage disposal system permits. Amends TCA, Title 68, Ch. 13, Pt. 4.

The Speaker appointed Representatives Cross, Bell and Severance, as the House members of the Conference Committee on Senate Bill No. 278.

### **HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 0332** -- Administrative Procedure -- Continues all permanent agency rules pursuant to UAPA beyond expiration date of June 30, 1991.

#### **Senate Amendment No. 1**

Amend House Bill No. 332 by adding the following new subsection to the amendatory language of Section 1:

(c) The provisions of subsection (a) shall not apply to the following public necessity rules which were duly filed in the office of the secretary of state between January 1, 1990 and December 31, 1990:

(1) Department of Health and Environment - Medicaid Division - General Rules - Definitions - Rule 1200-13-1-.01(15) through (20), inclusive.

(2) Department of Health and Environment - Medicaid Division - General Rules - Admissions to Long Term Care Facilities - Rule 1200-13-1-.08.

(3) Department of Health and Environment - Medicaid Division - General Rules - Providers - Rule 1200-13-1-.05(15) through (18), inclusive.

(4) Department of Health and Environment - Medicaid - Division - General Rules - Providers - Rule 1200-13-1-.05(9)(g).

#### **Senate Amendment No. 2**

Amend House Bill No. 332 by adding the following at the end of the amendatory language of Section 1:

( ) The provisions of this section shall not apply to Rule 1200-1-6-.14, rules of the Department of Health and Environment, Division of Groundwater Protection.

Rep. King moved that the House nonconcur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 332**, which motion prevailed.

**THURSDAY, APRIL 18, 1991 -- THIRTY-SEVENTH LEGISLATIVE DAY**

**UNFINISHED BUSINESS**

**MESSAGE FROM THE SENATE  
April 18, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 205; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 0205 -- Memorials, Professional and Business Achievement -- Michael A. Fitts. by \*Patten.**

**RULES SUSPENDED**

Rep. Purcell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 194 out of order, which motion prevailed.

**Senate Joint Resolution No. 0194 -- Memorials, Professional and Business Achievement -- National Association of Black Accountants. by \*Harper.**

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Purcell, the resolution was concurred in.

A motion to reconsider was tabled.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to **Rule No. 59**, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Monday, April 22, 1991:

**House Bill No. 623: Rep. Buck.**

**MOTION**

Rep. Buck moved that House Bill No. 1564 being held on the Clerk's desk, be placed on the Regular Calendar for Monday, April 22, 1991, which motion prevailed.

**RULES SUSPENDED**

Rep. Bittle moved to suspend Rule No. 53, so that Senate Joint Resolution No. 159 be recalled from the State and Local Government Committee for the immediate consideration, which motion prevailed.



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**\*Senate Joint Resolution No. 0159** -- Naming and Designating -- Storytelling Day in Tennessee, May 11, 1991. by \*Atchley, \*Gilbert, \*Koella, Cooper.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Bittle, the resolution was concurred in.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Turner (Hamilton) moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 203 out of order, which motion prevailed.

**Senate Joint Resolution No. 0203** -- Memorials, Interns -- David W. Stewart. by \*Crutchfield.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Turner (Hamilton), the resolution was concurred in.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. King moved that the rules be suspended for the purpose of introducing House Resolution No. 65 out of order, which motion prevailed.

**House Resolution No. 0065** -- General Assembly, Statement of Intent or Position -- Urges THDA to continue leadership in its current composition. by \*King.

Rep. King moved that the rules be suspended for the immediate consideration of the resolution.

Rep. Purcell objected to the motion to suspend the rules.

Thereupon, Rep. King withdrew his motion.

**MOTION TO RECONSIDER**

Rep. Sipes moved to lift from the table the motion to reconsider Senate Bill No. 1459, which motion prevailed.

**\*Senate Bill No. 1459** -- Accountants -- Increases requirements for certification as certified public accountant. Amends TCA, Title 62, Ch. 1, Pt. 1.

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Rep. Sipes moved to reconsider action in passing Senate Bill No. 1459, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. Sipes moved that **Senate Bill No. 1459** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	89
Noes. . . . .	1
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Winningham -- 1.

A motion to reconsider was tabled.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 469:** Rep(s). Givens, Hargrove, Hill and Knight as prime sponsor(s).

**INTRODUCTION OF RESOLUTIONS**

On motion, the resolution(s) listed was/were introduced and referred as noted:

**House Resolution No. 0058** -- General Assembly, Studies -- Continues committee to study structure and procedures of the House. by \*Kisber, \*Purcell, \*Bragg, \*Chiles, \*Copeland.

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Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0059** -- Memorials, Sports -- Glenn Williams. by \*Gunnels.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0060** -- Memorials, Personal Occasion -- Joseph and Darlene Stockton, forty-third anniversary. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0061** -- Memorials, Personal Occasion -- Rock Barnes, 90th birthday. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0062** -- Memorials, Personal Achievement -- Jeannie Smith, 1990 Tennessee Miss T.E.E.N. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0063** -- Memorials, Personal Occasion -- Lee and Ina Heidel, 50th Anniversary. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0064** -- Memorials, Professional and Business Achievement -- Judge Chester C. Coker, Campbell County Rotary Club, "Man of the Year". by \*Williams M.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0269** -- General Assembly, Studies -- Creates joint committee to study contracting out of state personnel and other services. by \*West.

Referred by the Speaker to the State and Local Government Committee.

**House Joint Resolution No. 0270** -- Memorials, Congress -- Urges securing credit interests of milk producers against handlers. by \*Davis R E, \*Robinson Ruth, \*Allen, \*McKee, \*Williams M, \*Walley, \*Haun, \*Harrill, \*Gunnels.

Referred by the Speaker to the Commerce Committee.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

**Senate Joint Resolution No. 0205** -- Memorials, Professional and Business Achievement -- Michael A. Fitts. by \*Patten.

**THURSDAY, APRIL 18, 1991 -- THIRTY-SEVENTH LEGISLATIVE DAY**

Referred by the Speaker to the Calendar and Rules Committee.

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred as noted:

**\*Senate Joint Resolution No. 0162** -- Memorials, Government Officials -- Urges expansion of I-65 from Concord Road exit to Franklin exit.

Referred by the Speaker to the Transportation Committee.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1588** -- Polk County -- Revises amusement tax. Amends Chapter 2, Private Acts of 1981, as amended. by \*Harrill.

Passed first consideration.

**REPORT OF DELAYED BILLS COMMITTEE  
April 18, 1991**

Pursuant to **Rule No. 78**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 1557, 1586 and 1587.

Jimmy Naifeh, Speaker  
Bill Purcell  
John Chiles

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

**\*Senate Bill No. 0043** -- DUI/DWI Offenses -- Authorizes confiscation of motor vehicles of certain DUI offenders; determines distribution of proceeds. (HB 0053).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 0919** -- Hospitals and Health Care Facilities -- Clarifies insurer's duty to request information to pay assigned benefits. Same as HB 1364. Amends TCA 68-11-219. (HB 0986).

Held pending third consideration of companion House Bill.

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**Senate Bill No. 1482** -- Motor Vehicles, Titling and Registration -- Authorizes issuance of cultural license plates for recreational vehicles. Amends TCA, Title 55, Ch. 4. (\*HB 1303).

Held pending third consideration of companion House Bill.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

**House Bill No. 1580** -- McMinn County -- Passed second consideration held on Clerk's desk pending approval by local delegation.

**House Bill No. 1581** -- Obion -- Passed second consideration held on Clerk's desk pending approval by local delegation.

**House Bill No. 1582** -- Lake County -- Passed second consideration held on Clerk's desk pending approval by local delegation.

**House Bill No. 1583** -- Bristol -- Passed second consideration held on Clerk's desk pending approval by local delegation.

**House Bill No. 1584** -- Brownsville -- Passed second consideration held on Clerk's desk pending approval by local delegation.

**House Bill No. 1585** -- Medina -- Passed second consideration held on Clerk's desk pending approval by local delegation.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES  
April 18, 1991**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1582 and 1583; also House Bill No. 1574, which the sponsor requested be placed on the regular floor calendar.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR  
April 18, 1991**

**MR. SPEAKER:** The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar for Monday, April 22, 1991:** House Resolution(s) No(s). 59, 60, 61, 62, 63 and 64; House Bill(s) No(s). 1582 and 1583; also, Senate Joint Resolution(s) No(s). 205.

PHILLIPS, Chair.

**THURSDAY, APRIL 18, 1991 -- THIRTY-SEVENTH LEGISLATIVE DAY**

**SIGNED  
April 18, 1991**

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 180.

**ENROLLED BILLS  
April 18, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 232, 557, 850, 1279 and 1549; House Resolution(s) No(s). 54 and 57; also, House Joint Resolution(s) No(s). 86, 127, 178 and 225; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED  
April 18, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 232, 557, 850, 1279 and 1549; House Joint Resolution(s) No(s). 86, 127, 178 and 225; also, House Resolution(s) No(s). 54 and 57.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED  
April 18, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 33, 96, 190, 347, 459, 460, 465, 676, 754, 860, 989, 1068, 1110, 1260, 1301, 1314 and 1530.

**ENGROSSED BILLS  
April 18, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1008; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint

**THURSDAY, APRIL 18, 1991 -- THIRTY-SEVENTH LEGISLATIVE DAY**

Resolution(s) No(s). 127; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS  
April 18, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 546; also, House Joint Resolution(s) No(s). 265, 266, 267, 268, 271 and 272; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK  
April 18, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 402, 747, 903, 1360 and 1561; also, House Joint Resolution(s) No(s). 109, 194, 196, 199, 200 and 262; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK  
April 18, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 127; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 663, 1555, 1560 and 1572; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

THURSDAY, APRIL 18, 1991 -- THIRTY-SEVENTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE  
April 18, 1991

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 228, 229, 230, 233, 235 and 258; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
April 18, 1991

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1521.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
April 18, 1991

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 589.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
April 18, 1991

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 268.

The Senate nonconcurred in House Amendment(s) No(s). 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17 and 18.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE  
April 18, 1991

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 128.

The Senate concurred in House Amendment(s) No(s). 1, and



**THURSDAY, APRIL 18, 1991 -- THIRTY-SEVENTH LEGISLATIVE DAY**

nonconcurrent in House Amendment(s) No(s). 2.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
April 18, 1991**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 100.

The Senate nonconcurrent in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
April 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1333; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
April 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 616; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
April 18, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 207; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 0207 -- Naming and Designating -- National Organ and Tissue Donor Awareness Week, April 22-28. by \*McNally.**

**THURSDAY, APRIL 18, 1991 -- THIRTY-SEVENTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE  
April 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 178; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
April 18, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 17, 54, 224, 773, 937, 1015, 1016 and 1021; also, Senate Joint Resolution(s) No(s). 159, 170, 171 and 172; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
April 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 232, 557, 850, 1279 and 1549; also, House Joint Resolution(s) No(s). 86 and 225; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
April 18, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 187 and 190; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 0187** -- Memorials, Sports -- Martin Luther King School boys' basketball team, TSSAA state champions. by \*Harper.

**Senate Joint Resolution No. 0190** -- Memorials, Sports -- Warren County High School Pioneerettes, 1991 National Dance Team title. by \*Cooper.

**MESSAGE FROM THE SENATE  
April 18, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate

**THURSDAY, APRIL 18, 1991 -- THIRTY-SEVENTH LEGISLATIVE DAY**

Bill(s) No(s). 1332 and 1552; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 1332** -- State Employees -- Requires vacancies in career service be accessible to all current career employees. Amends TCA 8-30-309. by \*Womack.

**Senate Bill No. 1552** -- Coon Dog Laws -- Permits training of coon dogs year round in Obion County. Amends TCA 70-4-122. by \*Hamilton.

**ENGROSSED BILLS**  
**April 18, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 885 and 956; also, House Joint Resolution(s) No(s). 176; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**April 18, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 178; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**April 18, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 232, 557, 850, 1279 and 1549; also, House Joint Resolution(s) No(s). 86 and 225; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENROLLED BILLS**  
**April 18, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 663, 1555, 1560 and 1572; House Resolution(s) No(s). 55 and 56; also, House Joint

**THURSDAY, APRIL 18, 1991 -- THIRTY-SEVENTH LEGISLATIVE DAY**

Resolution(s) No(s). 228, 229, 230, 233, 235 and 258; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**  
**April 18, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 17, 54, 224, 773, 937, 1015, 1016 and 1021; also, Senate Joint Resolution(s) No(s). 159, 170, 171 and 171.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, April 22, 1991.